

THE HONORABLE RICARDO MARTINEZ

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K. and  
T.D.,

Plaintiffs,

vs.

THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole, a/d/a "MORMON CHURCH,"; LDS  
SOCIAL SERVICES a/d/a LDA FAMILY  
SERVICES, a Utah corporation,

Defendants.

NO. C04-2338RSM

**DECLARATION OF MICHAEL T.  
PFAU RE: PLAINTIFF R.K.'S  
OPPOSITION TO DEFENDANTS'  
MOTION IN LIMINE TO EXCLUDE  
CLERGY-PENITENT  
COMMUNICATION**

**NOTE ON MOTION CALENDAR:  
SEPTEMBER 8, 2006**

I, MICHAEL T. PFAU, declare, under penalty of perjury, as follows:

1. I am one of the lead attorneys for plaintiff R.K. in this matter; I make this declaration based on my own personal knowledge.

2. Attached hereto as **Exhibit A** is a true copy of pages 32, 33 and 34 from the deposition of Richard Pettit, taken on December 13, 2005. The relevant portion of Mr. Pettit's testimony is set out herein for amplification:

Q. (By Mr. Kosnoff) When you went to Bishop Borland, you were not going to him for purposes of confession your sin, were you?

DECL. OF PFAU RE: PLTF. OPP. TO MTN. IN LIMINE-1  
(C04-2338RSM)  
[169433 v2.doc]

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1 A. No.

2 Q. And you would hope that he would – that – strike that.  
3 What was your reason for going to Bishop Borland?

4 A. To inform him of the situation.

5 Q. And was it your hope or intention that Bishop Borland  
6 would use this information and take some kind of concrete  
7 action with respect to Jack LaHolt?

8 A. Yes.

9 Q. And what was your – what did you hope that he would  
10 do?

11 A. Correct it.

12 Q. What did Bishop Borland say to you?

13 A. I don't remember.

14 Q. Did he tell you that he would do something about Jack?

15 A. I don't remember.

16 Q. Did he give you any kind of assurance that the matter  
17 would be handled?

18 A. Yes.

19 Q. And did you trust that the matter would be handled?

20 A. Yes.

21 Q. To your knowledge, what happened with respect to Jack  
22 LaHolt?

23 A. Within one week he was released.

24 Q. How did you become aware that he had been released?

25 A. At the church service the following week.

26 Q. Did somebody communicate that to you?

A. Yes.

1 Q. Bishop Borland?

2 A. Yes.

3 Q. And he told you that he released Jack?

4 A. Yes.

5  
6 3. Attached hereto as **Exhibit B** is a true copy of pages 61, 72 and 73 from the  
7 deposition of Randall Borland. At page 61, Mr. Borland admits that he spoke to LoHolt about  
8 the Pettit Communication. At page 72 and 73 Mr. Borland discusses his "releasing" LoHolt  
9 from his scouting responsibilities.

10 4. Attached hereto as **Exhibit C** is a true and correct copy of pages 120, 138 and  
11 139, from the deposition of Jack Onefrey (f/k/a Jack LoHolt).

12  
13 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE  
14 STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

15  
16 DATED at Seattle, Washington, this 1 day of September, 2006.

17  
18   
19 MICHAEL T. PFAU